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"hopes to complete his study in a second volume treating European intervention and competition in Asia."

J. M. CALLAHAN.

*The Divine Right of Kings.* By John Neville Figgis, Litt. D. Second Edition, with three additional essays. Cambridge: University Press. 1914. pp. xii, 406.

In this edition the original essay of 1896 is reprinted with the omission of the last two pages, and there are added "Aaron's Rod Blossoming, or *Jus Divinum* in 1646," "Erastus and Erastianism," and "Bartlous and the Development of European Political Ideas." This interesting announcement is made in the preface:

On the theory of sovereignty and the relation of small groups to the state, and the notion of a higher law, the opinions of the author have undergone much change; nor has he all in vain heard the wisdom of masters like Acton and Maitland or read the great works of Gierke.

In "*Jus Divinum* in 1646" (pp. 291, 292), he thus explains his present view:

Is not all larger society composed of a myriad number of groups; and has not each of these groups, in so far as it be permanent, some real inherent power, which is something more than a mere delegation, which is recognized by the superior power, but not created by it? \* \* \*

Is the civil society a single power from which all rights proceed by delegation? In this case there is no real check upon tyranny, however democratic the form of government. Or is the state merely the final bond of a multitude of bodies, churches, trade unions, families, all possessing inherent life, a real thing, recognized and regulated by the government, but no more the creation of its fiat, than are individual persons?

Such questions are vital not only for states, but for the international community. These "inherent" rights of societies, in which Dr. Figgis now expresses his belief, are not exactly the eighteenth century "natural" rights of individuals. They are rather, it would seem, an extension and application of the "fundamental" rights secured to Englishmen by Magna Charta and the other charters of liberties, and the same as the "unalienable" rights of our Declaration of Independence. If the lesser communities have inherent rights which the greater must recognize and respect, all political power is legally limited and all enlargement of such power is essentially the adding of federations to federations.

Dr. Figgis notes a tendency among publicists to return to the old

idea of "natural" rights, so long kept in the background by over-insistence or the utilitarian and historical-development theories of law and politics. In the *Jus Divinum* essay (p. 284), speaking of the "divine right of majority rule" he says:

It is obvious that, when we have got so far as this, divine right will soon become the name for natural right, and the transition to modern politics begins, unless, indeed, that be held to lie in the change from natural right to pure utilitarianism. For the notion at bottom of the divine right or the natural rights theory is the same. It asserts either for the king or for the state or for the individual or for the general will or for the right to work, to a living wage, or equality of opportunity, or what not, some supreme overriding principle which is superior to all institutional rights, and ought to be their criterion, not their creation. On reflection all who try to see in politics some grounds other than those of mere historical development or immediate expediency, will be found in some degree to share in the notion of natural rights.

It would rather seem that the tendency at present is not toward the old "natural right" theory, but, as above suggested, to the old English and American idea that there are certain rights of men and of societies which are fundamental to the existence of the individual and of society, which are therefore inherent and unalienable, and which are recognized and not created by the state. Substituting the word "fundamental" for "natural," the above quoted statement of Dr. Figgis may be commended to the consideration of all who are interested in the development of law, whether national or international.

A. H. SNOW.

*Grundlegung der Soziologie des Rechts.* By Eugen Ehrlich. Munich and Leipzig: Duncker and Humblot. 1913. pp. 409.

This book is an exposition of the postulate that the truest insight into the evolution of law is to be obtained through the study, not of statutes, commentaries, or court decisions, but of society itself. Professor Ehrlich is one of the apostles of a new school of jurists, hardly a generation old, who, while not decrying the historical school founded by Savigny and Puchta, approach the study of the law rather from the sociological standpoint. In Germany, the study of the philosophy of law, the search for the origin and nature of law and its fundamental relation to the state and to society, has received a great impetus through the work of von Ihering, Gareis, Stammler (of the Neo-Kantian school), Kohler (of the Neo-Hegelian school), and their followers. The German universities, the nurseries of this study, with their system of Lehr-